

Message Text

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PAGE 01 STATE 198286
ORIGIN AGRE-00

INFO OCT-01 NEA-10 ISO-00 EB-08 COME-00 L-03 /022 R

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AAO: E RANSOM
AGRIC/FAS: E R BEVIS
NEA/INS:AATHIBAULT,JR.

-----116525 202004Z /65

R 200020Z AUG 77
FM SECSTATE WASHDC
TO AMEMBASSY COLOMBO

UNCLAS STATE 198286

E.O. 11652: N/A

TAGS: EAID, CE

SUBJECT: S/S JAMES, U.S. FLAG ARRIVED COLOMBO 9-27-76
C/P JUNE 2, 1976

1. FOLLOWING LETTER RECEIVED FROM OWNERS SUBJECT VESSEL:
QUOTE-OWNERS ARE FRANKLY QUITE UPSET AT THE COMPLETELY
ARBITRARY WITHHOLDING OF DOLS 2,883.96 REPRESENTING A
CLAIM BY ROZEL PACKING CORP. FOR DEMURRAGE ETCETERA DUE TO
THE ALLEGED LATE ARRIVAL OF THE VESSEL AT LOADPORT. THIS
DEDUCTION FROM FREIGHT IS COMPLETELY UNJUSTIFIED AND EN-
TIRELY CONTRARY TO CHARTER PARTY TERMS. THE VESSEL AR-
RIVED, TENDERED NOTICE AND WAS ACCEPTED DURING THE LAYDAYS
ALLOTTED. WHAT CONTRATUAL ARRANGEMENTS WERE MADE BETWEEN
CHARTERERS AND SUPPLIERS FOR DELIVERY TO DOCKSIDE ARE IN
NO WAY THE RESPONSIBILITY OF THE VESSEL UNLESS, OF COURSE,
SHE HAD MISSED HER CANCELLING. THIS WAS NOT THE CASE, AND
OWNERS ARE THOROUGHLY UPSET AT THE EXTENSIVE AND EXTENDED
EXCHANGE OF CORRESPONDENCE WHEN THEY IN NO WAY WERE RESPON-
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SIBLE FOR THESE ALLEGED CHARGES.

2. AS FAR AS THE OVERAGE INSURANCE IS CONCERNED, THE
CHARTER PARTY STIPULATES THAT IT IS FOR OWNERS' ACCOUNT BUT
IT IS NOT TO EXCEED RATES OBTAINABLE IN THE NEW YORK MARKET

3. THE TERMS OF THE CHARTER PARTY DO NOT, UNDER ANY

CIRCUMSTANCES, ENTITLE THE CHARTERERS TO WITHHOLD OVERAGE INSURANCE FROM FREIGHT AND, IN PARTICULAR, WHEN OWNERS ARE DEPRIVED OF CHECKING RATES PRIOR TO THE PAYMENT OF THIS INSURANCE. OWNERS ARE NOT QUESTIONING THAT THE INSURANCE IS FOR THEIR ACCOUNT, BUT MERELY THE IMPROPER DEDUCTION FROM FREIGHT. THE CUSTOMARY SHIPPING PRACTICE IS THAT THESE INSURANCE INVOICES SHOULD BE FORWARDED DIRECTLY TO OWNERS FOR SETTLEMENT.

4. REGARDING CARGO DAMAGE CLAIM, YOUR OFFER OF 75 PERCENT SETTLEMENT HAS BEEN TURNED OVER TO THE INSURANCE DEPARTMENT AND A REPLY WITH BE FORTHCOMING IN THE NEAR FUTURE.

5. IN THE MEANTIME, WE ONCE AGAIN MUST EXPRESS OWNERS' ADAMANT POSITION ON THE COMPLETELY UNAUTHORIZED DEDUCTION OF ROZEL'S CHARGES AND INSIST THAT THIS AMOUNT BE SETTLED IMMEDIATELY.-UNQUOTE

6. CAN YOU EXPLORE WITH FOOD COMMISSIONER AND RESOLVE. PLEASE ADVISE. VANCE

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Message Attributes

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Channel Indicators: n/a
Current Classification: UNCLASSIFIED
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Control Number: n/a
Copy: SINGLE
Sent Date: 20-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Review Exemptions: n/a
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Review Release Date: n/a
Review Release Event: n/a
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Review Withdrawn Fields: n/a
SAS ID: 1537396
Secure: OPEN
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